

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RODGER A. GRIFFIN,

Petitioner,

NO. CV-05-192-EFS

vs.

ORDER DISMISSING PETITION

STATE OF WASHINGTON,

Respondent.

By Order filed August 1, 2005, the court directed Petitioner, a
oner currently housed at the Montana State Penitentiary in Deer
e, Montana, to amend his petition. Specifically, the court noted
ppeared Plaintiff's guilty plea had waived his claim to a speedy
l. Cf. *United States v. Bohn*, 956 F.2d 208, 209 (9th Cir. 1992)
ding that a defendant's unconditional guilty plea waives his right
speedy trial under the Speedy Trial Act); see also *New York v.*
, 528 U.S. 110 (2000) (holding that a defendant can waive his
t to a speedy trial under the IAD). In addition, Petitioner
ed to demonstrate he had exhausted his claims to the State's
est court. 28 U.S.C. § 2254(b)(1). *Rose v. Lundy*, 455 U.S. 509,
20 (1982).

Although granted the opportunity to do so, Plaintiff failed to amend his petition to state a viable habeas claim against a proper

1 party Respondent. Accordingly, for the reasons set forth above and in
2 the Order to Amend Petition (Ct. Rec. 8), **IT IS ORDERED** the Petition
3 (Ct. Rec. 6) is **DISMISSED** without prejudice for failure to exhaust
4 state court remedies.

5 **IT IS SO ORDERED.** The District Court Executive is directed to
6 enter this Order, enter judgment, and forward a copy to Petitioner at
7 his last known address.

DATED this 19th day of October 2005.

S/ Edward F. Shea
EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE